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BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR)
HUMAN RIGHTS, PAULA M.HALEY,)
EXECUTIVE DIRECTOR, *ex rel.*)
GHULAM BUSHRA,)

Complainant,)

v.)

ASCHR No. J-09-076

DAVIS MANAGEMENT, INC., d/b/a)
PALMER CHEVRON,)

Respondent.)
_____)

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Ghulam Bushra, hereby alleges the following against Davis Management, Inc., d/b/a Palmer Chevron:

1. Respondent Davis Management, Inc., is an Alaska corporation that owns and operates Palmer Chevron, a gas station and mini-market located at 429 West Evergreen Avenue in Palmer.
2. Respondent employed Ghulam Bushra as a cashier for almost five years until March 2009.
3. Ms. Bushra is from Pakistan and her National Origin is Pakistani.
4. Ms. Bushra's native language is Urdu. Although Ms. Bushra speaks English, she uses Urdu as her primary language.
5. When members of Ms. Bushra's family visited Palmer Chevron during Ms.

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Bushra's shifts, Ms. Bushra would sometimes speak with them in Urdu.

6. On several occasions, Steve Catron, the Manager at Palmer Chevron, and Gary Dishneau, an assistant manager, told Ms. Bushra that she could not speak Urdu and must speak English at work because other employees were not comfortable when she spoke Urdu.

7. Some employees also referred to Ms. Bushra as a terrorist and in derogatory terms relating to her National Origin.

8. Ms. Bushra complained to Steve Catron and to Daryl Davis, Respondent's owner, about her coworkers' derogatory comments relating to her National Origin.

9. Approximately one month after Ms. Bushra complained about her coworkers' comments, Respondent terminated her employment, on March 9, 2009.

**FIRST CAUSE OF ACTION:
DIFFERENT TERMS AND CONDITIONS OF EMPLOYMENT
BECAUSE OF NATIONAL ORIGIN
A VIOLATION OF AS 18.80.220(a)(1)**

10. Paragraphs 1-9 above are realleged and incorporated herein.

11. Ghulam Bushra's National Origin is Pakistani. Urdu is her native, and her primary, language.

12. Ms. Bushra was employed by Respondent for almost five years, and at all times during her employment she was qualified to do her job.

13. The managers at Palmer Chevron told Ms. Bushra on several occasions that she was forbidden to speak Urdu and must speak English while she was working at Palmer Chevron.

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14. Respondent's requirement that Ms. Bushra speak English at work was not justified by business necessity.

15. Respondent's requirement that Ms. Bushra speak only English at work constituted discrimination because of National Origin in the terms and conditions of her employment, which is a violation of AS 18.80.200(a)(1).

**SECOND CAUSE OF ACTION:
TERMINATION BECAUSE OF NATIONAL ORIGIN
A VIOLATION OF AS 18.80.220(a)(1)**

16. Paragraphs 1-9 above are realleged and incorporated herein.

17. Ghulam Bushra's National Origin is Pakistani. Urdu is her native, and her primary, language.

18. Ms. Bushra was employed by Respondent for almost five years, and at all times during her employment she was qualified to do her job.

19. Despite her qualifications, Respondent terminated Ms. Bushra's employment on March 9, 2009.

20. Respondent terminated Ms. Bushra's employment because of her National Origin, Pakistani.

21. Respondent's termination of Ms. Bushra's employment was discriminatory and a violation of AS 18.80.220(a)(1).

22. As a result of Respondent's discriminatory discharge, Ms. Bushra has suffered damages in the form of lost wages and other benefits.

**THIRD CAUSE OF ACTION
TERMINATION BECAUSE OF RETALIATION**

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A VIOLATION OF AS 18.80.220(a)(4)

23. Paragraphs 1-9 above are realleged and incorporated herein.

24. After learning that some employees referred to her as a terrorist and in derogatory terms relating to her National Origin, Ms. Bushra complained to Steve Catron and to Daryl Davis, Respondent's owner, about these comments.

25. Ms. Bushra's complaints constitute opposition to practices forbidden by the Human Rights Law as described in AS 18.80.220(a)(4)

26. Approximately one month after Ms. Bushra complained about her coworkers' comments, Respondent terminated her employment, on March 9, 2009.

27. Respondent terminated Ms. Bushra's employment because she complained about discrimination, in violation of AS 18.80.220(a)(1).

28. As a result of Respondent's unlawful termination of her employment because she complained about discrimination, Ms. Bushra lost her livelihood and has suffered damages in the form of lost wages and other benefits.

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PRAYER FOR RELIEF

Wherefore the Executive Director asks for the following relief:

1. That the Commission issue an order declaring that Respondent Davis Management, Inc., d/b/a Palmer Chevron, violated AS 18.80.220 by discriminating against Ms. Bushra when it required her to speak only in English while Ms. Bushra was working at Palmer Chevron.
2. That the Commission issue an order declaring that Respondent Davis Management, Inc., d/b/a Palmer Chevron, violated AS 18.80.220 by discriminating against Ms. Bushra when it terminated her employment.
3. That the Commission issue an order declaring that Respondent Davis Management, Inc., d/b/a Palmer Chevron, violated AS 18.80.220 by retaliating against Ms. Bushra for complaining about discrimination
4. That the Commission order Respondent to adopt and disseminate a policy of nondiscrimination under the Alaska Human Rights Law that includes a policy prohibiting discrimination against employees on the basis of a National Origin and prohibiting retaliation against employees for complaining about discrimination.
5. That the Commission order Respondent to obtain training for its owners, managers, supervisors, and employees on the provisions of the Alaska Human Rights Law that prohibit discrimination in employment, with an emphasis on the prohibition against discrimination based on National Origin and against retaliation.

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6. That the Commission order Respondent to pay back wages to Ms. Bushra, plus interest at the applicable legal rate, the exact amount of which will be proven at hearing.

Dated this 8th day of August 2011 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

_____/s/_____
Lauri J Owen
Human Rights Attorney
Alaska Bar No. 0705032